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C O N F I D E N T I A L SECTION 01 OF 04 UNVIE VIENNA 000460

SIPDIS

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SUBJECT: IAEA/GC: EGYPT AND ISRAEL AT LEAST TALKING ABOUT
MIDDLE EAST RESOLUTION

REF: REF A) VIENNA 343 B) PAPPAS-DANIEL/VON BEHEREN
EMAIL 7/10

Classified By: Ambassador Gregory L. Schulte for reasons 1.4 b and d

Summary

11. (C) Israeli and Egyptian Ambassadors made at least a first attempt to discuss the Egyptian draft Middle East Safeguards (MES) resolution in bi-lateral consultations in Vienna. Neither had a "mandate" to negotiate, and they did not get very far, Israeli Ambassador Michaeli reported to Ambassador Schulte on August 12. The Egyptians still insist on no linkage to the Arab League Israeli Nuclear Capabilities (INC) resolution. Separately, Israel has consulted with Jordan, which does not believe the Arab League resolution will succeed. Israel has also responded to an IAEA request for comments on the Middle East Forum, stating that its position is unchanged but Michaeli sees little prospect for the Forum to serve as a bridge to consensus in the General Conference. However, Israel is considering breaking ranks with India and Pakistan and changing its traditional "No" vote to an abstention on NPT universality language in the omnibus Safeguards resolution.

12. (C) Incoming GC President, Italian Ambassador Ghisi is willing to play a mediating role on the MES resolution and sees a Presidential Statement as the only reasonable outcome for the INC agenda item. Michaeli has since received a mandate to negotiate and Ghisi intends to encourage the Egyptian Ambassador to also seek such a mandate. Consultations will continue in early September. Separately, French CDA assured Msnoff of France's position on linkage of the two Middle East agenda items. France also did not find the revised Egyptian text to be persuasive or much of a change from last year. The EU is only beginning consultations on the Middle East agenda items in the next week. As the Israeli Ambassador has consistently pointed out, the EU position will be key and he remains concerned about "wobbliness" among some Europeans. End Summary.

Courting Egypt

13. (C) Israeli Ambassador Michaeli updated Ambassador Schulte August 12 on recent consultations with his Egyptian counterpart regarding the draft GC Middle East Safeguards (MES) resolution. Neither Michaeli nor Egyptian Ambassador Fawzi had a "mandate" to negotiate at that juncture, though Michaeli has since received such a mandate. Italian Ambassador Ghisi, the incoming GC President, will also encourage Fawzi to do the same, which would be a significant improvement over last year's GC when neither side had such a mandate. Fawzi and Michaeli agreed to follow up in early

September. Michaeli would also meet with Moroccan Ambassador Zniber in his national capacity, though not as Dean of the Arab League to discuss the Israeli Nuclear Capabilities (INC) resolution.

14. (C) In their initial consultations, Fawzi continued to deny any linkage between the Egyptian draft MES resolution and the Arab League INC resolution while Israel continues to insist on a package. Nevertheless, Michaeli and Fawzi engaged informally on the text of the Egyptian draft. Michaeli outlined three main elements for the GOI, which he has shared previously with Mission: deletion of para 4 which "Further calls upon all States in the region, pending the establishment of the zone, not to develop, produce, test or otherwise acquire nuclear weapons, or to pursue actions that would undermine the goal of establishing such a zone"; second, restoration of a para on the Middle East peace process; and lastly, insertion of a reference to "compliance" with the NPT (Note: Full text of resolution in ref a. End note.) Speaking in a personal capacity, Fawzi noted that inclusion of the latter would require the addition of a reference to the "universality" of the NPT. Fawzi also asked whether Israel could accept para 4 if a reference to the Middle East Peace Process were added. Israel still took objection to para 4 as "out of balance" and importing "political" text from the UNGA First Committee resolution on Middle East Safeguards.

5.(C) Fawzi told Michaeli that Cairo did not believe Israel wanted consensus, to which Michaeli responded "try us," noting that Israel could see consensus on the basis of these elements or the 2005 text. Fawzi claimed that Egypt had

UNVIE VIEN 00000460 002 OF 004

already intended a change in para 5 as a step toward Israel, which Michaeli dismissed as insignificant, i.e. change from "invites" to "further calls upon" the parties to take confidence building measures aimed at a NWFZ. For his part, Michaeli saw no hint that Egypt sought consensus at this point but believed that the Egyptians could change tactics and be willing to negotiate if they saw the possibility of a repeat of last years' vote. He doubted Egypt would agree to return to the 2005 consensus text. The EU position would be essential, he assessed. Michaeli had also spoken with Ireland, the only EU member to vote in favor of the Egyptian resolution in the 2007 GC. Irish Ambassador Cogan noted that the text was "better" than last year and saw no reason for Ireland to change its vote though he listened carefully to Israel's position.

Outreach to Jordan

16. (C) Michaeli also reported that Amman had asked for Israel's position on the twin MES and INC resolutions. Jordan did not believe the Arab League INC resolution would "fly" but felt compelled to go along out of Arab solidarity. The Jordanians would like to be helpful but have limited influence. Israel cited the title as the most problematic aspect of the Arab League text and provided the non-paper on Israel's position in para 13 to Amman.

Middle East Forum

17. (C) Israel had replied to a July letter from the IAEA EXPO Director soliciting comments on the Middle East Forum. Although Michaeli admits that the GOI is "lukewarm" about the Forum, the response states that Israel's position is unchanged and supports a Forum based on the August 2004 terms of reference. Fawzi insisted to Michaeli that Egypt wanted to change the Forum agenda. Israel could be flexible on the agenda if the terms of reference remained the same, Michaeli advised. That said, Michaeli discounted all this discussion of the Forum as a "storm in a glass of water" and believed

that Egypt would ultimately oppose the Forum.

Abstention Possible on NPT

¶8. (C) In what may be a significant development, Michaeli shared that Israel is considering abstaining on the paragraph vote in the omnibus Safeguards resolution regarding universality of the NPT. Traditionally, Israel, India and Pakistan vote against this paragraph in every General Conference. In part, Israel is considering this step out of "gratitude" for last year's mass abstention on the Egyptian MES resolution. On a deeper level, there is some appreciation in Israel of the utility of the NPT in dealing with Iran and Syria. Israel would advise India of its decision in advance. Michaeli believed that Egypt would again push for Middle East language in the omnibus Safeguards resolution but was not sure Egypt would call for a vote on that resolution given that it could not marshal support among even all the Arab states last year.

GC President

¶9. (C) In a separate meeting on August 13 Italian Ambassador Ghisi, the incoming GC President told Ambassador Schulte that he expected to start consultations on Middle East GC issues the first week of September. Ghisi sees Egypt as key and would encourage them to show flexibility and lead by example.

He is considering presenting Israel and Egypt with a package of proposed changes to the MES draft resolution backed by an Italian demarche in capitals. Ghisi shared that his only guidance from Rome was to seek Middle East peace process language in the MES resolution and to work closely with other EU and Western states. Ambassador Schulte advised that it would be necessary to engage Egyptian FM Aboul Gheit directly. As to the Israeli Nuclear Capabilities agenda item, Ghisi believed that the only possible outcome would be a Presidential Statement to avoid another "extreme" outcome such as the 2006 no-action motion. Michaeli was also open to using the "services" of the GC President to negotiate a PRST.

(Comme
nt: To satisfy the Arab group, a PRST would have to include some "substance" agreeable to Israel. End Comment.)

UNVIE VIEN 00000460 003 OF 004

EU to Begin Consultations

¶10. (C) French CDA Gross advised Msnoff on August 12 that the EU would only begin consultations on the Middle East GC agenda items the next week. The EU has not formulated a position but Gross presumed that the starting point for any EU position on the Egyptian text would be based on the coordinated response to Egyptian FM Aboul Gheit's letter last October, which had taken EU members to task for their massive abstentions on the MES resolution in the 2007 General Conference. The EU response had stressed that it was inappropriate to import UNGA language into a technical forum such as the IAEA, he recalled.

¶11. (C) For its part, France stood firm on the linkage between the MES and INC agenda items. French experts that had reviewed the revised Egyptian text were not satisfied, and sought inclusion of language on compliance and a reference to the Additional Protocol. It was still more or less the same text as last year, Gross assessed, the only changes being deletion of references to nuclear weapons states. He was surprised that the Irish would see that as "progress" as Michaeli had reported. Gross was already considering possible tactics. He noted that the UNGA counterpart resolution on the INC (which the EU supports in the UNGA) is entitled "The Risk of Proliferation in the Middle East." The EU could insist on this title, and deletion of references to Israel in the text, something which the Arab states would

never agree to, so as to pave the way for a PRST. He also did not rule out an agenda fight in the General Committee, though he acknowledged this would infuriate the Arab group which could introduce the INC resolution under the MES agenda item. (Note: Michaeli had expressed similar caution about a General Committee agenda fight which would go to the Plenary for a vote. End note.)

¶12. (C) Comment: The French position is more reassuring than Michaeli's informal assessments of EU member positioning. Michaeli had early on expressed concern about "wobbliness" among European Missions and divided the EU into two camps - those that would stand by their abstention last year and those who might be more receptive to Egypt's "positive step" in their direction and the Arab League's "flexibility." An unnamed friendly EU country had cautioned Michaeli that Israel cannot appear inflexible. End comment.

Israel Non-Paper to Jordan

¶13. (C) Begin text of non-paper:

Israel is committed to the vision of the Middle East developing into a zone free of chemical, biological and nuclear weapons, as well as ballistic missiles. Mutual recognition, diplomatic relations and good neighborliness should be a first step in this direction to be complimented by conventional and non-conventional arms control measures. These steps could eventually lead to a more ambitious goal such as the establishment of a mutually verifiable Nuclear Weapons Free Zone.

Israel therefore attaches great importance to a possible consensus around the concept of a WMD Free Zone in the Middle East, in the IAEA GC as well as in other multilateral fora.

In a period of regional instability caused by dangerous developments in the area of nuclear proliferation in our region, consensus on a Middle East "package" could have a positive impact. Countries of the region have a responsibility to do their utmost in this regard.

Consensus in the IAEA GC around the resolution entitled "Application of IAEA safeguards in the Middle East" was in place as part of a Middle East "package" for 14 years until ¶2006. Consensus was lost when the sponsors of the resolution decided to introduce new elements into the text of the resolution while refusing to negotiate.

Israel urges member states directly involved not to further politicize the General Conference of the IAEA, to reconsider their position and to reinstate a "package" on the Middle East.

Elements of such a "package":

UNVIE VIEN 00000460 004 OF 004

-- Agreement on the text of the resolution titled "Application of IAEA safeguards in the Middle East" is to be negotiated among all directly concerned parties.

-- No resolution which singles out the State of Israel.

The support of the Hashemite Kingdom of Jordan to this approach would be highly appreciated.

SCHULTE